

Heads F i r s t

Saving Michigan's Lifesaving Mandatory Helmet Law

AAA Michigan
Advocates for Highway and Auto Safety
Allstate Insurance Co.
American Coalition for Traffic Safety
Brain Injury Association of Michigan
Center for Rural Emergency Medicine
Emergency Nurses Association
Emergency Nurses CARE
Epilepsy Foundation of Michigan
General Federation of Women's Clubs
Hurley Medical Center
Insurance Institute of Michigan
Michigan Academy of Family Physicians
Michigan Association of Chiefs of Police
Michigan Association of Insurance Agents
Michigan Brain Injury Providers Council
Michigan College of Emergency Physicians
Michigan Driver & Traffic Safety Education Assoc.
Michigan Health & Hospital Association
Michigan Office of Highway Safety Planning
Michigan Nurses Association
Michigan Sheriffs' Association
Michigan State Medical Society
Michigan Orthopedic Society
Michigan Osteopathic Association
Michigan Rehabilitation Association
Motorcycle Industry Council
National Conference of Black Mayors
National Safety Council
Nationwide Insurance
Prudential Insurance
Skilled Motorcyclist Association
State Farm Insurance
Students Against Destructive Decisions
Traffic Safety Association of Michigan

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Dear Senators,

In recent weeks, as members of our coalition have met with many of your colleagues, we have heard two predominate themes of why the legislature no longer favors retention of Michigan's Motorcycle Helmet Law. We want to strongly urge you to consider the enclosed information prior to casting your vote.

The first is "this is a freedom of choice" issue. This argument touted by A.B.A.T.E. has a great populist ring to it; however, it overlooks the lack of choice that is dumped onto the taxpayers of this state. When a motorcyclist is in a vehicle crash, a police agency has to respond, EMS responds, and the hospital ER department is required to provide treatment; and depending on the extent of injuries lengthy rehabilitation, and possibly long-term care in a nursing facility will be required. Any insurance requirement in the law will not cover all of these attendant costs. Therefore, this becomes a cost to government - ALL of which is an absolutely unnecessary and preventable. Should the injuries be so extensive, they will likely require having to become Medicaid eligible and thus a further tax burden.

The second issue is "there's no research or evidence proving that motorcycle helmets and helmet laws reduce injuries." It's difficult to understand how any legislator could make such a claim. The research is clear - all done by government agencies such as the National Highway Traffic Safety Association, and Centers for Disease Control among them that all provide unequivocal documentation. All of these studies are easily found on their respective websites; however, some of the key articles are included.

Furthermore, two states that eliminated their motorcycle helmet laws have since reinstated their helmet laws - Nebraska and Louisiana. Both did so due to the significant increase in motorcyclist deaths and serious injuries and the costs to state and local government.

We implore you to review this information and truly make an informed choice. With over 80 percent of Michigan voters opposed to the motorcycle helmet law repeal, we ask you to cast your vote as "NO" to the repeal of Michigan's Motorcycle Helmet Law Repeal, S.B. 291.

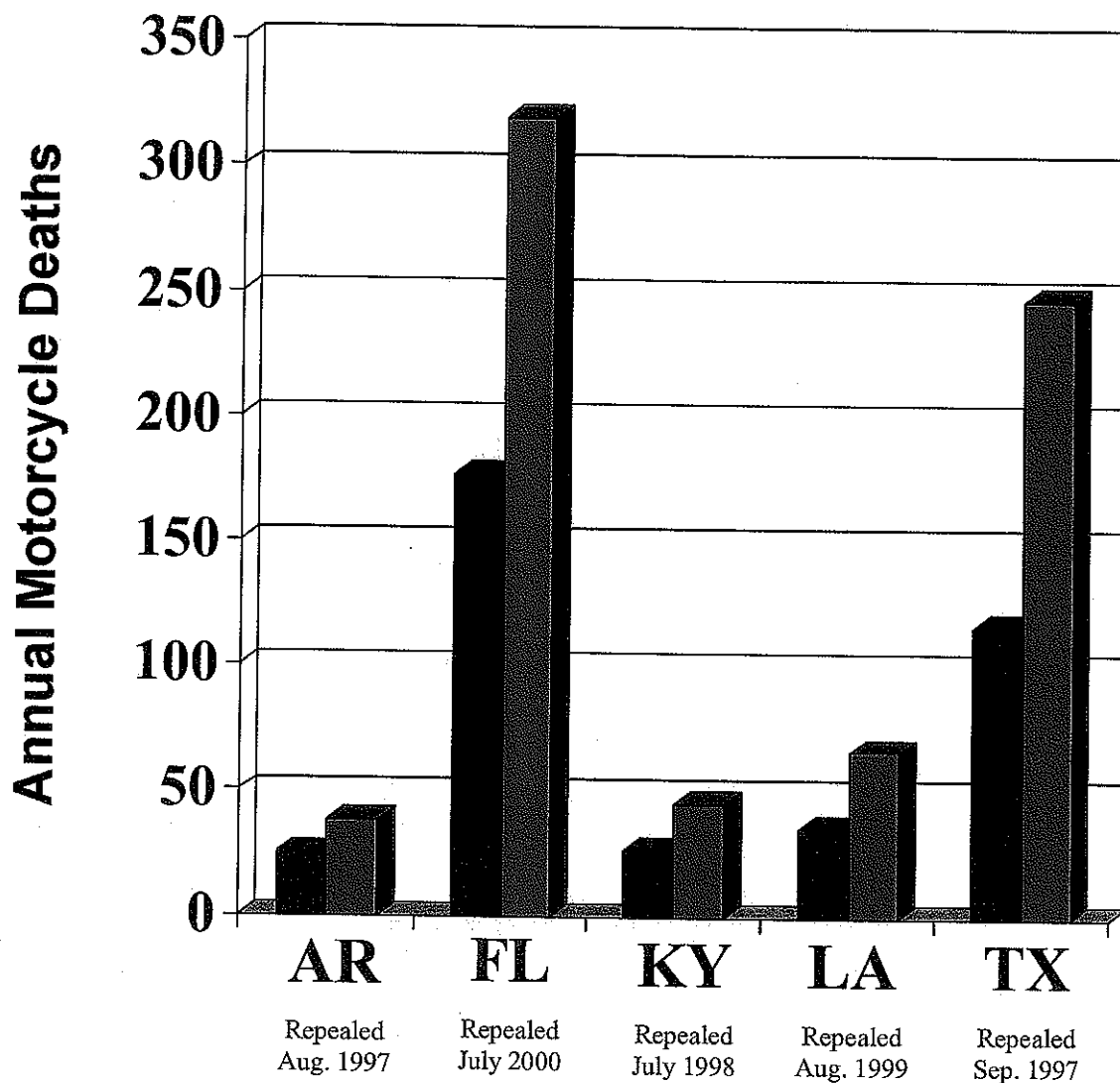
Michael F. Dabbs
President

Brain Injury Association of Michigan
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Brighton, Michigan 48114-7379

MOTORCYCLE DEATHS

in

5 STATES BEFORE AND AFTER HELMET LAW REPEALS



- Motorcycle deaths for the year before the helmet law was repealed
- Motorcycle deaths for 2002

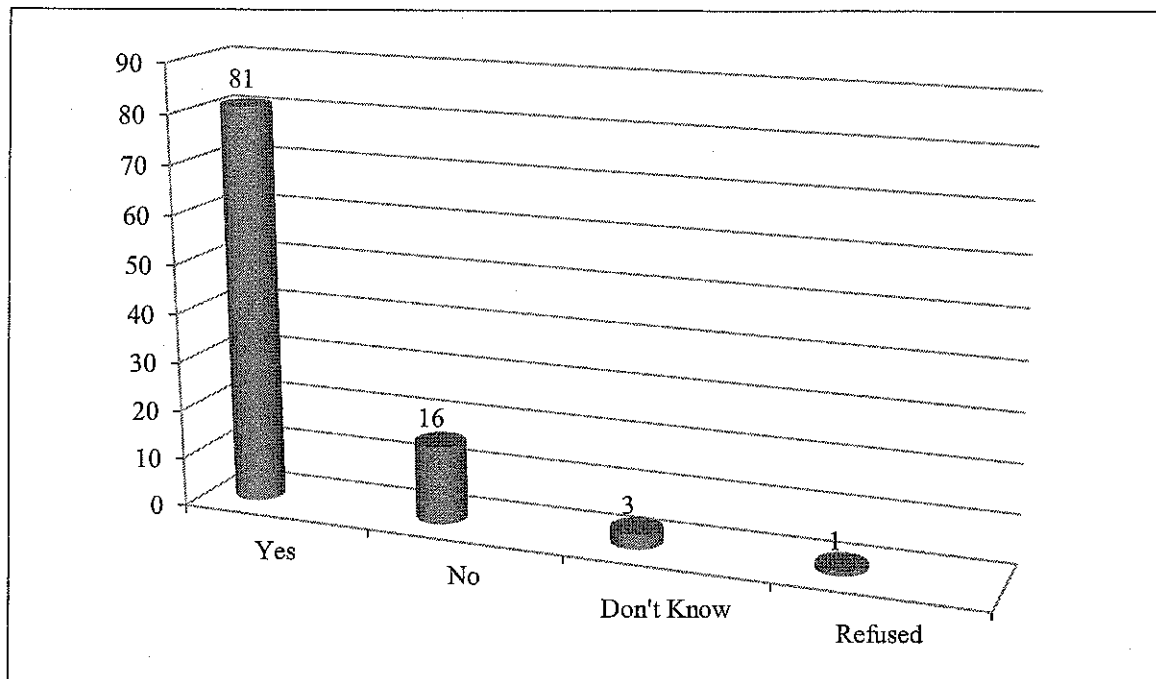


**ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY**
www.saferoads.org

Data is taken from the National Highway Traffic Safety Administration's Fatality Analysis Reporting System, 1996-2002.

**MICHIGAN LIKELY VOTERS EXPRESS OPINION
ON
LIFE-SAVING MOTORCYCLE HELMET LAW**
(March, 2011)

In your opinion, should motorcycle riders be required to wear helmets?



A recent survey of likely Michigan voters found an overwhelming 81 % believe that motorcycle riders should be required to wear helmets.

The 2011 Spring Marketing Resource Group Michigan Poll was conducted the week of March 14, 2011. Marketing Resource Group is a Lansing, MI based communications firm.

The survey is random sample of 600 likely Michigan voters stratified by voter turnout in past statewide elections and has a statistical margin of error of plus or minus 4.1 percent or less within a 95 percent degree of confidence.

These results are consistent with previous national and state findings which indicate the general public believes an all-rider motorcycle helmet law is a good thing.



Repeal of Michigan's Mandatory Motorcycle Helmet Use Law

Since 1966, Michigan has required motorcyclists and their passengers to wear helmets. For the same length of time, a small group of motorcyclists have vociferously opposed this requirement. They consider the mandatory helmet use law an abridgment of their freedom, and an example of the state dictating behavior to persons who should be free to choose how to conduct their lives.

Conversely, we argue: why eliminate something that works? Michigan's motorcycle helmet law has been in effect for over 30 years. Why should we take a major step backwards in the area of public safety when science and research have clearly demonstrated that motorcycle helmets save lives and reduce the severity of injuries?

From 1984 to 1995, helmets have saved the lives of more than 7,400 motorcyclists nationwide. If all motorcyclists and their passengers had worn their helmets during this time period, more than 6,300 additional lives could have been saved. According to the National Highway Traffic Safety Administration, helmets can reduce the odds of dying in a crash by 35%. With odds like this, why would you not want to wear a helmet?

The underlying opposition to mandatory helmet use is "personal choice." Some individuals believe they know best when to wear, or not to wear, a helmet. They believe with proper education and training, individuals should be left the choice of wearing a helmet. We agree there should be increased education and training for motorcyclists. However, this increased knowledge and experience will still not allow cyclists the ability to see into the future, to know when and where they will be in an accident.

When helmet use is mandatory, the usage rate is approximately 90%. When helmet use is not mandatory, the usage rate automatically drops to less than 50%. Even partial helmet use laws - laws that apply to only a specific age group - cause a dramatic decrease in overall usage rates. Mandatory motorcycle helmet use laws are easy to enforce. It is easy to identify individuals who are not wearing a helmet. Partial helmet use laws on the other hand, are more difficult to enforce. How is a law enforcement officer supposed to differentiate between 21 years of age and 18 years of age without stopping an individual and asking for identification?

Mandating the use of motorcycle helmets make sense. Helmets are designed to cushion and protect a riders' head from the impact of a crash. Just like safety belts in cars, helmets cannot provide total protection against head injury or death, but they do reduce the incidence of both. An unhelmeted rider is 40% more likely to suffer a fatal head injury and 15% more likely to incur a nonfatal head injury than a helmeted motorcyclist.

Due to the aforementioned facts, and the overwhelming evidence that motorcycle helmets are imperative in reducing death and injury, AAA Michigan is opposed to any legislation that would weaken or eliminate Michigan's long standing mandatory motorcycle helmet use law.



Insurance Institute
of Michigan

Fact Sheet

Motorcycle Helmets

Overview

In 2009, there were 3,451 motorcycle-related crashes in Michigan, down from 4,082 in 2008. Crashes during 2009 resulted in 103 deaths and another 2,725 injuries. Since 1969, Michigan has required all motorcyclists and their passengers to wear a helmet when riding on the state's roadways. Motorcycle helmets have been shown to save the lives of motorcyclists and prevent serious brain injuries.

According to the Insurance Institute for Highway Safety, 20 states and the District of Columbia had laws on the books requiring all motorcyclists to wear helmets as of June 2006. In another 27 states only people under a specific age (mostly between 17 and 20 years of age) were required to wear helmets. Three states (Illinois, Iowa and New Hampshire) have no helmet law.

Facts To Know

- According to the National Highway Traffic Safety Administration, helmets are about 29 percent effective in preventing motorcycle deaths and 67 percent effective in preventing brain injuries. An unhelmeted rider is 40 percent more likely to suffer a fatal head injury, compared with a rider with a helmet.
- Motorcycle riders who crash without a helmet rack up far larger hospital bills than those whose heads were protected in a crash, according to a University of Michigan study. On average, helmet use led to average hospital costs that were about 20 percent, or \$6,000 less than the costs for those who didn't wear helmets. For patients who were treated on an inpatient rehabilitation floor at UM after leaving the trauma unit, average costs for unhelmeted riders were nearly twice those of helmeted riders.
- A Scripps Howard study found nine of the 10 states with the worst motorcycle death rates don't require adults to wear helmets. It also found that seven of the 10 states with the lowest death rates have mandatory helmet laws.
- Motorcycle crashes also account for a disproportionate share of money paid out of the Michigan Catastrophic Claims Association (MCCA), a fund which is supported by a surcharge on every auto insurance policy in this state. Although motorcyclists represent 1.9 percent of the assessments paid into the MCCA, they account for 7.3 percent of all claims reported.

Helmets Save Lives

If Michigan's mandatory motorcycle helmet law were to be repealed, the state should expect to see an annual increase of at least 30 fatalities, 127 incapacitating injuries, and \$129 million in economic costs, according to an analysis by the Office of Highway Safety Planning.

334 Townsend Lansing, Michigan 48933 (517) 371-2880 www.iiminfo.org



Position on Motorcycle Helmets

The Epilepsy Foundation of Michigan **opposes House Bill 4008 and Senate Bill 291** which would remove the protections of mandatory motorcycle helmets. The Epilepsy Foundation has long been a proponent of safety devices, including automobile safety belts, motorcycle helmets and bicycle helmets, and safe use of boats, motorcycles, and other recreational vehicles.

The evidence in support of helmet use is overwhelming. We base our support on the following:

- About 25 percent of all cases of epilepsy are attributed to some kind of injury to the head.
- Epilepsy occurs in 2-5 percent of those who have had a head injury. Nationally, about 5,000 new cases of epilepsy are attributed to head injury each year.
- Motor vehicle accidents are the leading cause of head injuries--about 50-60 percent in most studies.
- Unhelmeted motorcyclists are over three times as likely to suffer a brain injury when compared to those motorcyclists that wear helmets.
- Statistics show that in states where helmets are not required, only 50 percent of motorcyclists wear them.
- Studies show that when helmets are voluntary, younger, inexperienced drivers will not wear them, thereby placing them at risk.
- Epilepsy is a chronic condition that can have devastating effects on an individual's life. It affects the entire family and can extract a social cost for treatment and support. The national cost of epilepsy, *excluding social support*, is \$12.5 billion per year.

Keep the Mandatory Motorcycle Helmet Law in Michigan!

Founded in 1948, the Epilepsy Foundation of Michigan is the state's only nonprofit organization focusing solely on epilepsy. Our mission is to "ensure that people with seizures are able to participate in all life experiences; and will prevent, control and cure epilepsy through services, education, advocacy, and research".

The Foundation provides epilepsy management, employment guidance, advocacy, epilepsy awareness, information and referral, and support services to people with seizure disorders, their families and the general public.

Not another moment lost to seizures™

Southfield • 20300 Civic Center Drive, Suite 250 • Southfield, MI 48076 • (248) 351-7979 • fax (248) 351-2101
Grand Rapids • 1345 Monroe Avenue NW, Suite 202 • Grand Rapids, MI 49505 • (616) 454-7979

The Detroit News

Keep the helmet law

*Head protection for motorcyclists saves lives,
cuts insurance costs*

We are at least tempted to suggest that repealing Michigan's motorcycle helmet law would hasten natural selection. But that would be nearly as thoughtless as not wearing a helmet while riding a motorcycle.

Backers of a repeal hope they'll have a better chance of prevailing with Republicans in control of both the state Legislature and the Governor's Office. Former Gov. Jennifer Granholm vetoed their previous effort, and was smart to do so.

Repealing the helmet law is a bad idea, and simple physics explains why. There's a reason, after all, that eggs are packaged in cardboard cartons that protect them from cracking.

The National Highway Traffic Safety Administration estimates helmets saved the lives of 1,829 motorcyclists in 2008. If all motorcyclists had worn helmets, the agency estimates another 823 lives could have been spared.

Put another way, for every 100 motorcyclists killed in crashes while not wearing a helmet, according to NHTSA, 37 could have survived had they been wearing one.

Lori Conarton, spokeswoman for the Insurance Institute of Michigan, the trade association for the insurance industry, notes that the state has a special pool for catastrophic injury claims, and receives its funds from a special assessment on all vehicle insurance. Conarton says the most recent figures for the pool indicate that while it received 2 percent of its revenues from motorcyclists, their injuries accounted for 5 percent of the pool's payments.

Remove the requirement that motorcyclists wear helmets, and those figures will only get worse, which could drive up insurance



David Coates / The Detroit News

Rob Heltsley of Eastpointe took a safety course in a cold-weather mask, but he may soon not need to wear a helmet when riding.

costs for all drivers of all vehicles.

Advocates of repeal say that motorcycle safety can be enhanced by better training so cyclists can avoid accidents. That may be so. But traffic accidents can't always be avoided no matter how well trained the driver.

That's why cars and trucks are equipped with air bags, which can to some degree mitigate the damage to a vehicle occupant even if he or she isn't wearing a seat belt. Yet we still require that drivers wear seat belts.

With no passive protection available to motorcyclists, it is even more important that they continue to wear helmets.

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The Grand Rapids Press

Editorial: Why lawmakers should keep Michigan's mandatory motorcycle helmet law

Published: Thursday, April 14, 2011, 7:00 AM Updated: Thursday, April 14, 2011, 7:37 AM



By The Grand Rapids Press Editorial Board

Here we go again.

A small band of enthusiasts is back in Lansing on an annual crusade to **repeal Michigan's motorcycle helmet law.**

With a more conservative Legislature and a governor who hasn't taken a solid stand on the matter, they may have a shot this time.

Too bad. Allowing people to ride helmet-free would increase the death toll on Michigan highways and would likely raise the cost of insurance for everyone. Gov.

Rick Snyder should send a message that

he's not beholden to vocal interest groups and veto any legislation that would alter Michigan's sensible helmet law.

Two versions of repeal are in the Legislature. **A House bill** would end the helmet requirement for anyone over 21 years old, provided that person has at least \$20,000 in personal injury coverage. The coverage minimum in the bill is ridiculously small given how debilitating and costly traumatic brain injuries can be.

A Senate bill would go further. That legislation would allow anyone over 21 to ride without a helmet provided that person has passed a motorcycle safety course or has carried a motorcycle endorsement on his or her license for at least two years.

Repeal is always pitched as a matter of freedom — the right to ride with the wind in your hair, the noise of the streets in your ears. But freedom on public roadways is limited, rightly so. Drivers must observe traffic laws, drive at posted speeds, wear seat belts, put their children in car seats, refrain from texting behind the wheel. We demand these things to protect everyone's safety.



Muskegon Chronicle file photo

Every year a group of motorcyclists tries to change Michigan's mandatory helmet law.

Detroit Free Press

Protect good sense: Keep state's helmet law

Detroit Free Press Editorial

March 26, 2011

Term limits have turned Michigan's Legislature into a revolving door, but one thing hasn't changed: perennial efforts, fueled by a small but vocal and effective minority of misguided motorcyclists, to repeal Michigan's law requiring riders to wear helmets.

Repealing the helmet law was a bad idea two years ago, when former Gov. Jennifer Granholm vetoed the legislation, and it is a bad idea today.

Helmet regulations remain an important and appropriate tool to promote public safety, despite appealing libertarian arguments to the contrary. Yes, helmet laws limit personal choice, but there are ample precedents for doing just that to save lives and limbs, including speed limits and seat belt laws.

Nor are helmets protecting riders from horrific head injuries simply a matter of personal choice. All of us end up paying -- directly or indirectly through public assistance and higher insurance and medical costs -- for injuries that can easily cost millions of dollars to treat.

Michigan is the nation's only state to provide unlimited medical coverage for crash victims, requiring lifetime benefits for all reasonable and necessary care. Motorcyclists account for 5% of what is paid out of the Michigan Catastrophic Claims Association, even though they make up 2% of the assessment, according to the Insurance Institute of Michigan. Since 1978, the MCCA, funded by a statewide surcharge on all auto insurance policies, paid \$421 million for 885 motorcycle claims -- and those are only claims that exceeded the MCCA threshold, currently at \$480,000.

House Bill 4008, introduced by Rep. Richard LeBlanc, D-Westland, allowing riders 21 and older to ride without a helmet, would do practically nothing to curtail those costs to the public. It would effectively require bare-headed riders to carry \$20,000 in medical insurance. Given today's costs to treat serious head and other injuries, \$20,000 is pocket change. The average motorcycle claim paid from the MCCA is roughly \$475,000. A bill repealing the helmet law (SB291) has also been introduced in the state Senate.

The evidence is clear and compelling: States enacting helmet laws report dramatic decreases in fatalities. If that doesn't bring legislators to their senses, a just-released poll by AAA Michigan should. The statewide poll, conducted this month, found that 81% of likely voters support mandatory helmets.

Politicians should take a cue from their constituents and maintain Michigan's sensible law requiring motorcycle riders to wear them.

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THE MUSKEGON Chronicle

Editorial: Keep the lid on: State should not ditch mandatory helmet law

**The Muskegon Chronicle
May 3, 2011**

There's probably no one on the road more practiced in the art of defensive driving than a motorcyclist, whose very survival can depend on his ability to "read" the constant movement of surrounding traffic and to anticipate and avoid trouble.

Still, expecting the unexpected isn't always enough, particularly at a time when the driver of an approaching car might well be distracted, and therefore unpredictable. Or when the motorcyclist himself may be cruising along at something less than full awareness.

Groups opposed to Michigan's mandatory helmet law are again working to repeal it, making Michigan like surrounding states. The current effort comes in the form of two recently introduced bills, which if approved would let riders over 21 go helmetless if they carry at least \$20,000 in personal liability insurance or have either passed a safety course or carried a motorcycle endorsement the previous two years.

It's still our view that the law serves a worthwhile purpose — saving an average of 30 lives a year, not to mention millions of dollars in the treatment of catastrophic injuries.

Members of ABATE of Michigan (www.abateofmichigan.org) say they have the votes needed to get the law overturned, although Rep. Marcia Hovey-Wright, D-Muskegon, and Sen. Geoff Hansen, R-Hart, will be not among them. "If motorcyclists expect to get disability benefits, they need to be responsible in the use of helmets," said Hovey-Wright.

The state's economy is part of the debate this year as well. An ABATE-sponsored 2004 study by Michigan Consultants finds the state would gain \$1.2 billion and 3,000 to 5,000 new jobs annually once motorcycle riders were allowed to ride helmet-free in Michigan.

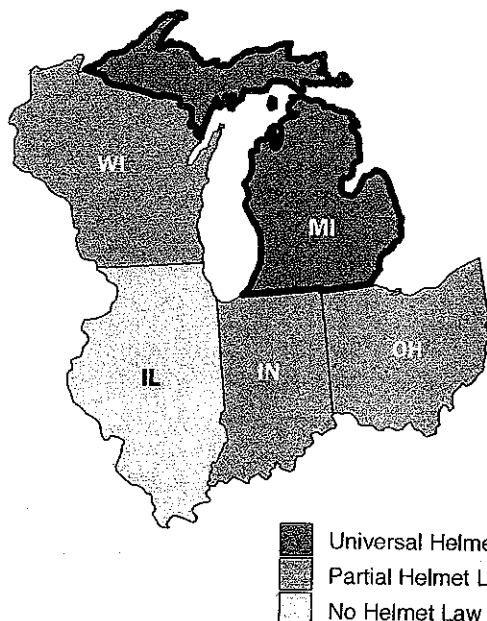
Two-wheeled tourism might well increase, but so would the number of deaths and series injuries related to motorcycle crashes. Even now, the Insurance Institute of Michigan calculates that the taxpayer-funded Michigan Catastrophic Claims Association collects 2 percent of its assessments from motorcyclists, while motorcyclists account for 5 percent of the total amount paid out in claims — an estimated \$129 million in medical costs.

If safety helmets were hated by all motorcyclists, possibly because they restricted riders' vision and hearing, as some claim, that would be one thing. Yet about half of ABATE's five-county membership in this area would probably wear helmets at least some of the time, according to its coordinator, Bob Rogers of White Cloud.

And a Ludington-based group known as SMARTER (www.smarter-usa.org) stresses helmet

MICHIGAN SAVE LIVES, SAVE MONEY

HOW DOES YOUR STATE MEASURE UP?



Michigan ranks #20 in the nation for lives saved and #18 in the nation for money saved due to helmet use.

REGIONAL COMPARISON OF HELMET LAW IMPACT

State	Type of Law/ Year Enacted	Lives saved by helmet use per 100,000 registered motorcycles, 2008 ^{1,2}	Dollars saved by helmet use per 100,000 registered motorcycles, 2008 ^{1,2}
Illinois	□ /1970	6	\$10M
Indiana	▒ /1984	9	\$14M
Michigan	■ /1969	25	\$43M
Ohio	▒ /1978	10	\$16M
Wisconsin	▒ /1978	4	\$6M

A NATIONAL PERSPECTIVE

	Lives saved by helmet use per 100,000 registered motorcycles, 2008 ^{1,2}		Dollars saved by helmet use per 100,000 registered motorcycles, 2008 ^{1,2}
Average number of lives saved for states with a Universal Law	40	Average money saved for states with a Universal Law	\$66 million
Average number of lives saved for states with a Partial Law	14	Average money saved for states with a Partial Law	\$23 million
Average number of lives saved for states with no law	6	Average money saved for states with no law	\$10 million

WHAT CAN MICHIGAN DO?

- ✓ **Protect your universal helmet law.**
Keep in mind that public support is high for helmet laws, averaging 84% in states like yours with a universal law.

1. National Highway Traffic Safety Administration. Determining lives and costs saved and injuries prevented by motorcycle helmets. Washington (DC): National Highway Traffic Safety Administration, U.S. Department of Transportation; 2011.
2. Federal Highway Administration. Highway statistics 2008: State motor-vehicle registrations (Table MV-1). Washington (DC): Federal Highway Administration, U.S. Department of Transportation; 2009.

MOTORCYCLE SAFETY

QUICK FACTS

- The single most effective way for states to save lives and save money is a universal helmet law.
- Helmets reduce the risk of death by 37%.
- Helmets reduce the risk of head injury by 69%.
- The United States saved nearly \$3 billion due to helmet use in 2008.
- The United States could have saved an additional \$1.3 billion in 2008 if all motorcyclists had worn helmets.
- Helmets do not reduce visibility or impair hearing.

FAQs

Do helmet laws interfere with a person's freedom to choose whether to wear a helmet?

Yes. Many laws restrict people's freedom to perform behaviors judged contrary to the public good. These include drunk driving laws, cellphone use laws, and infectious disease quarantine laws, to name a few. Courts usually uphold such laws as important to the nation's well-being.

Don't helmets make it harder for riders to see or hear?

No. Helmets that meet the DOT standard do not reduce visibility or impair hearing. By protecting people's heads in crashes, helmets only make riding safer.

If a motorcyclist chooses not to wear a helmet, does it only affect him?

No, not if the rider crashes. Unhelmeted riders injured in a crash have substantially higher healthcare costs than helmeted riders. When the rider is insured, these costs are passed on to others in the form of higher health insurance premiums. Unhelmeted riders are more likely to be uninsured than other riders. When the rider is uninsured, their medical expenses may be paid for using taxpayers' funds.

Can motorcycle safety education substitute for helmet laws?

No. The benefits of motorcycle safety education are unclear. A universal helmet law is the most effective way to reduce the number of people who are seriously injured or killed from motorcycle crashes.

Are universal helmet laws really that much better than partial helmet laws?

Yes. There is strong, substantial, and clear evidence that universal helmet laws save lives and save money. This is not true for partial laws. When a universal helmet law is enacted, helmet use dramatically increases, and states see an across-the-board decrease in deaths. If states repeal the law, they see an increase in deaths.

Do people want the government to regulate helmet use for adult motorcyclists?

Yes. National surveys in 2000, 2004, 2009, and 2010 have consistently shown that more than 80% of Americans favor universal helmet laws.

PUBLIC HEALTH LEADERSHIP TO KEEP PEOPLE SAFE ON THE ROAD — EVERY DAY.

National Center for Injury Prevention and Control
Division of Unintentional Injury Prevention

